

Remarks

Applicants have discovered and claimed a novel apparatus for ozone abatement from the atmosphere, which utilizes an outdoor component of an HVAC system. Through their invention, Applicants have leveraged outdoor components of an HVAC systems: the high space velocities (bulk air movement) and/or elevated temperatures associated with such components can greatly improve ozone conversion efficiencies.

We respectfully submit that the cited references, U.S. Pat. Nos. 5,422,331 and 5,620,672 to Galligan et al., cannot preclude patentability of the present application under 35 U.S.C. §103(c) because:

- (1) the cited references qualify as prior only under 35 U.S.C. §102(e) – we believe that the presently claimed invention was disclosed in priority application serial no. 08/412,525, which was filed March 29, 1995 before the issuance of either cited reference; and
- (2) the inventions were commonly owned by, or subject to an obligation of assignment to, Engelhard Corporation, at the time the present invention was made.

In light of the foregoing, we respectfully submit that the claims define a novel and non-obvious invention that fully merits patent protection. Accordingly, we respectfully request that the entire application be allowed at an early date. If there remain any issues that the Examiner believes may be resolved through discussion, we cordially invite the Examiner to contact Applicants' representative at the phone number provided below.

This response is being filed after five months but before six months after the November 26, 2004 date of the outstanding Office action. Authorization to charge the fee required for a three-month extension for response, as well as any other fee deemed to be required, to deposit Account No. 05-1070 is hereby granted.

Respectfully submitted,



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09/766,723 (3912E (DIV))

Amendment

May 16, 2005

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